

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Home (Ser.II) Department - Review petition of Sri D.Krishna Prasad, Ex-HC 1813, 5th Bn., APSP, Vizianagaram against the punishment of "Compulsory Retirement from Service" awarded by the Commandant, 5th Bn., APSP, Vizianagaram - Review petition rejected - Modification - Orders - Issued.

HOME (SERVICES-II) DEPARTMENT

G.O.Rt.No.1239

**Dated:28.12.2022
Read the following:**

- 1.Representation of Sri D.Krishna Prasad, HC 1813, 5th Bn., APSP, Vizianagaram District.
- 2.Government Memo No.797710/Ser-II/A2/2022, Home (Ser.II) Dept., dated 29.07.2021.
- 3.From the Director General of Police, A.P., Mangalagiri Letter Rc.No.908/T3/2022,date:18.10.2022.

ORDER:

The Director General of Police, A.P., Mangalagiri is informed that vide reference 1st read above, Sri D.Krishna Prasad, Ex-HC 1813, 5th Bn., APSP, Vizianagaram has made representation to the Govt., requesting to set aside the punishment of "Compulsory Retirement from Service" awarded by the Commandant, 5th Bn., APSP, Vizianagaram of Vizianagaram District.

2. In the letter 3rd read above, the Director General of Police, A.P., Mangalagiri has stated that Sri D.Krishna Prasad, Ex-HC 1813, 5th Bn., APSP, Vizianagaram was handed upon a Major Charge under Rule-20 of APCS (CC&A) Rules, 1991, vide Memorandum dated 06.05.2019 for the following delinquency:

Major Charge: Article-I: "Sri D.Krishna Prasad, HC 1813 of "D" Company has exhibited gross misconduct by abducting a minor child (9yrs) with malafied intension which is unbecoming act of a member of disciplinary force"

Article-II: "Sri D. Krishna Prasad, HC 1813 of "D" Company has exhibited gross misconduct and figured as an accused in Cr. No. 108/2019 u/s 363, 506 IPC r/w 511 IPC & sec 3 (2) SC/ ST POA Act.2012 and POCSO Act 20 12 of Denkada P.S., VZM"

Article-III: "Sri D.Krishna Prasad, HC-1813 of 'D' Company, has repeated acts of criminal misconduct, misbehaviour, highhandedness and misuse of Department for his illegal acts, which is viewed as grave misconduct which is un becoming act to continue to be a member of public servant"

3. The Charged HC-1813 was placed under suspension vide order dated 22.04.2019. A Criminal Case vide crime No. 108/2019 u/s 363, 506 IPC r/w 511 IPC & Sec.3(2) (va) of SC/ST(POA) Act, 2012 and POCSO ACT 2012 was registered on dt.22.04.2019 at Denkada P.S., Vizianagaram. However, the Spl. Judge for Speedy Trail of Offences under POSCO Act, Vizianagaram was disposed the case as 'the applicant acquitted'.

4. The Deputy Superintendent of Police, / Assistant Commandant, 5th Bn., APSP., Vizianagaram who was appointed as Inquiring Authority, conducted Enquiry and submitted his findings held the Charge "**Proved**", vide Minutes dated 06.07.2019. Provisionally agreeing with the findings of the Enquiry Officer, the Commandant, 5th Bn., APSP, Vizianagaram duly following the procedure laid down

[P.T.O.]

in the A.P.C.S. [CC&A] Rules, 1991, the Commandant, 5th Bn., APSP, Vizianagaram has awarded the punishment of "Compulsory Retirement" and the suspension period from 22.04.2019 to date of communication of orders is treated as "Not on duty" for all the purposes vide Proceedings dt. 23.11.2019.

5. The Appeal / Revision Petitions were examined and rejected by the Competent Authorities during the years 2020 and 2021 respectively.

6. The Review petition of the above Retired Officer (compulsory retired) has been examined in detail, keeping in view of the available records and also his past instances which have been committed by him during service (i) He tried to sexually assault minor girls, which is an intolerable and grave act of misconduct and treated as moral turpitude, (ii) he has exhibited gross misconduct while on duty and was caught red handedly while stealing the articles / valuables (Cell phones) of his colleagues while on duty. In all instances, character and conduct of the individual have been assessed and found that despite award of several punishment, there has been no change in his attitude, behaviour, character and conduct, which is tarnishing the image of Police in the eyes of general public. His attitude seems to be psychic and incurable and if he is given a chance to re-enter into the Police Department, there is likelihood of repeat of similar kind of conduct, which is not conducive for the Police force. He has rendered 19 years of service and committed 9 such types of derelictions and was awarded major punishments. In the present case he abducted a minor child (9 years) with malafied intension of molestation and the charges were held 'Proved'. The offence committed by the above individual was established through the CCTV footage in view of aforesaid facts, Government has decided to consider and reject the Review petition in respect of Sri D.Krishna Prasad, Ex Head Constable-1813, 5th Bn., APSP, Vizianagaram. The punishment of "Compulsory Retirement from Service" awarded by the Commandant, 5th Bn., APSP, Vizianagaram, is modified to that of "Removal from Service", besides treating the suspension period and absence period as 'Not on Duty'.

7. Accordingly, Government hereby consider and reject the Review petition 1st read above, in respect of Sri D.Krishna Prasad, Ex-Head Constable-1813, 5th Bn., APSP, Vizianagaram and the punishment of "Compulsory Retirement from Service" awarded by the Commandant, 5th Bn., APSP, Vizianagaram, is modified to that of "Removal from Service" besides treating suspension period and absence period, if any as "Not on Duty".

8. The Director General of Police, A.P., Mangalagiri is requested to take necessary action in the matter accordingly. The records received through the letter 3rd read above are returned herewith and receipt of the same should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HARISH KUMAR GUPTA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, A.P. Mangalagiri (with original record)
The individual through the DGP, A.P.
Copy to:
The P.S. to Minister (Home).
The P.S. to Principal Secretary to Govt.(Home)
SF/SC.

//Forwarded :: By Order//


SECTION OFFICER.